

EXHIBIT “A”

(State Court Documents to Date)

to

NOTICE OF REMOVAL

*Ontario Lamar Staley v. Sheriff Kristin R. Graziano and
Wellpath*

C/A No. _____

[State Court C/A No. 2021-CP-10-04656]

STATE OF SOUTH CAROLINA,

COUNTY OF CharlestonOntario Luman Staley

Plaintiff

vs.

Sheriff Kristin R. Graziano
Well Path

Defendant.

IN THE COURT OF COMMON PLEAS

9th JUDICIAL CIRCUIT**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO.

2021-CP-10-4656

I, Ontario Luman Staley being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me

this 4th day of October, 2021

Notary Public for South Carolina

My Commission expires

8/24/31

Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

ORDER

☒ Leave is granted to proceed in forma pauperis without payment of the filing fee.

☐ Leave is granted to proceed in forma pauperis without payment of the service cost.

☐ Leave is denied to proceed in forma pauperis.

Dated:

10/11, 2021
[Signature], South Carolina

JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10)

2021 OCT -8 AM 11:04
JULIE J. ARMSTRONG
CLERK OF COURT

2021 OCT 14 AM 11:33
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

COUNTY OF Charleston

Ontario Luman Staley
Plaintiff

-vs-

Sheriff Kristin R. GRAZIANO
Well Path Defendant

FINANCIAL DECLARATION
IN SUPPORT OF
IN FORMA PAUPERIS REQUEST

OF _____

Case # 2021-CP-10-4456

GROSS MONTHLY INCOME FROM:

Salary and wages (including commissions, bonuses and overtime)	\$	<u>0</u>
Pensions and Retirement	\$	<u>0</u>
Social Security	\$	<u>0</u>
Disability and Unemployment Insurance	\$	<u>0</u>
Public Assistance (AFDC payments, etc.)	\$	<u>0</u>
Child/Spousal support (prior marriage, etc.)	\$	<u>0</u>
Dividends and Interest	\$	<u>0</u>
Rents	\$	<u>0</u>
All other sources (specify)	\$	<u>0</u>
	\$	
	\$	
TOTAL MONTHLY INCOME	\$	<u>0</u>

ITEMIZE DEDUCTIONS FROM GROSS INCOME:

Income Taxes (State and Federal)	\$	<u>0</u>
Social Security	\$	<u>0</u>
Disability Insurance	\$	<u>0</u>
Medical or other insurance	\$	<u>0</u>
Union or other dues	\$	<u>0</u>
Retirement or Pension Fund	\$	<u>0</u>
Savings plan	\$	<u>0</u>
Other (specify)	\$	<u>0</u>
	\$	
	\$	
TOTAL DEDUCTIONS	\$	<u>0</u>
NET MONTHLY INCOME	\$	<u>0</u>

MONTHLY EXPENSES:

Rent (residence)	\$ 750 ⁰⁰
Note or mortgage payments (residence)	\$ N/A
Real property taxes (residence)	\$ N/A
Real property insurance (residence)	\$ N/A
Maintenance (residence)	\$ 75 ⁰⁰
Food and household supplies	\$ 350 ⁰⁰
Utilities	\$ 325 ⁰⁰
Telephone	\$ 80 ⁰⁰
Laundry and cleaning	\$ 200 ⁰⁰
Clothing	\$ 125 ⁰⁰
Medical	\$ N/A
Dental	\$ N/A
Insurance (Life, Health, Accident, etc.)	\$ N/A
Child Care	\$ N/A
Payment of child/spousal support (prior marriage, etc.)	\$ 200 ⁰⁰
School	\$ N/A
Entertainment	\$ 50 ⁰⁰
Incidentals	\$ 25 ⁰⁰
Auto expenses (Insurance, gas, oil, etc.)	\$ 300 ⁰⁰
Auto payments	\$ N/A
Other installment payment(s) (insert total here and itemize below) ..	\$ N/A

<u>Creditors Name</u>	<u>For</u>	<u>Monthly Pmt</u>	<u>Balance</u>


Other (specify) _____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL EXPENSES \$ 2450

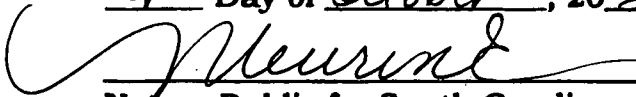
Other debts and obligations **NOT** payable in monthly installments:

<u>Creditors Name</u>	<u>For</u>	<u>Date Payable</u>	<u>Balance</u>
<u>Title Loan</u>	<u>Loan</u>	<u>In Collections</u>	\$ <u>801.⁰⁰</u>
_____			\$ _____
_____			\$ _____
_____			\$ _____

Cash on hand\$ 0
Money in checking accounts\$ 0
Money in saving accounts\$ Not Sure
Money in credit union\$ 0
Money in any other accounts or deposits\$ 0
Retirement or pension fund\$ 0
Life Insurance cash value\$ 0
Value of any stocks and/or bonds\$ 0
Value of real property\$ 0
Value of all other property\$ 0
TOTAL PROPERTY\$ 0


Signature
10/4/21
Date

Subscribed and sworn before me this
4th Day of October, 2021.

 Pamela Veurink
Notary Public for South Carolina
My commission expires: 8/24/31

STATE OF SOUTH CAROLINA,

COUNTY OF CharlestonOntario Luman Staley

Plaintiff

vs.

Sheriff Kristin R. Graziano
Well Path

Defendant.

IN THE COURT OF COMMON PLEAS

9th JUDICIAL CIRCUIT**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

FILE NO.

2021-CP-10-4656

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Notary Public for South Carolina

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8/24/31Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff**ORDER**☒ Leave is granted to proceed in forma pauperis without payment of the filing fee.☐ Leave is granted to proceed in forma pauperis without payment of the service cost.☐ Leave is denied to proceed in forma pauperis.

Dated:

10/11, 2021
[Signature], South Carolina

JUDGE CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10)

JULIE J. ARMSTRONG
CLERK OF COURT
2021 OCT -8 AM 11:04JULIE J. ARMSTRONG
CLERK OF COURT
2021 OCT 14 AM 11:33

FILED

COUNTY OF Charleston

Ontario Luman Staley
Plaintiff

-vs-

Sheriff Kristin R. GRAZIANO
Well Path Defendant

FINANCIAL DECLARATION
IN SUPPORT OF
IN FORMA PAUPERIS REQUEST

OF _____

Case # 2021-CP-10-4456

GROSS MONTHLY INCOME FROM:

Salary and wages (including commissions, bonuses and overtime)	\$	<u>0</u>
Pensions and Retirement	\$	<u>0</u>
Social Security	\$	<u>0</u>
Disability and Unemployment Insurance	\$	<u>0</u>
Public Assistance (AFDC payments, etc.)	\$	<u>0</u>
Child/Spousal support (prior marriage, etc.)	\$	<u>0</u>
Dividends and Interest	\$	<u>0</u>
Rents	\$	<u>0</u>
All other sources (specify)	\$	<u>0</u>
	\$	
	\$	
TOTAL MONTHLY INCOME	\$	<u>0</u>

ITEMIZE DEDUCTIONS FROM GROSS INCOME:

Income Taxes (State and Federal)	\$	<u>0</u>
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Medical or other insurance	\$	<u>0</u>
Union or other dues	\$	<u>0</u>
Retirement or Pension Fund	\$	<u>0</u>
Savings plan	\$	<u>0</u>
Other (specify)	\$	<u>0</u>
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TOTAL DEDUCTIONS	\$	<u>0</u>
NET MONTHLY INCOME	\$	<u>0</u>

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Auto payments	\$ N/A
Other installment payment(s) (insert total here and itemize below) ..	\$ N/A

<u>Creditors Name</u>	<u>For</u>	<u>Monthly Pmt</u>	<u>Balance</u>


Other (specify) _____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL EXPENSES \$ 2450

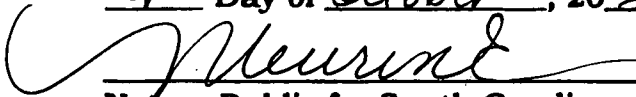
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Cash on hand\$ 0
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Retirement or pension fund\$ 0
Life Insurance cash value\$ 0
Value of any stocks and/or bonds\$ 0
Value of real property\$ 0
Value of all other property\$ 0
TOTAL PROPERTY\$ 0


Signature
10/4/21
Date

Subscribed and sworn before me this
4th Day of October, 2021.

 Pamela Veurink
Notary Public for South Carolina
My commission expires: 8/24/31

Ontario Lamar Staley

Plaintiff(s)

vs.

Sheriff Kristin R. Graziano, Well Path

Defendant(s)

Submitted By: Ontario Lamar Staley

Address: 3841 Leeds Ave

N. Charleston, SC 29405

CIVIL ACTION COVERSHEET

2021 -CP- 10 - 4656

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☒ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts

- ☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299)

Torts - Personal Injury

- ☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399)

Real Property

- ☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499)

Inmate Petitions

- ☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

Administrative Law/Relief

- ☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899)

Judgments/Settlements

- ☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)

Appeals

- ☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)

Special/Complex /Other

- ☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670)

Confession of Judgment (770)

- ☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799)

☐ Other (999)

Submitting Party Signature:



Date:

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA,

COUNTY OF *Charleston*

IN THE COURT OF COMMON PLEAS

Ontario Lorman Staley Plaintiff,

SUMMONS

vs.

FILE NO. *2021-CP-10-4656*

Sheriff Kristin R. GRAZIANO Defendant.
Well Path

2021 OCT 14 PM 4:47
JULIE J. AMSTUTZ
CLERK OF COURT
BY *MM*

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina


Plaintiff/Attorney for Plaintiff

Dated:

Address: *3841 Leeds Ave.*
No Charleston, SC 29405

9th Judicial Circuit

Case # 2021-WP-10-4656

Ontario Lamar Staley
Plaintiff

vs
Sheriff Kristin R. Graziano
Well Path
Defendants

Complaint

BY
MM

JULIE J. AMSTUTZ
CLERK OF COURT

2021 OCT 14 PM 1:38

That on May 6, 2021, the Plaintiff Ontario Lamar Staley, did slip and fall in his cell located at 3841 Leeds Ave. (A3L13105), No. Charleston, SC. 29406. The day to day operations of the facility are under the control of Director Abigail S. Duffy.

A Leaking pipe in the ceiling caused a puddle to form in plaintiff's cell. Plumbing issues has been a major issue within the jail for several years, and from where said leak came from, this was not the first time that this problem occurred.

That the Grossly Negligence of the upkeep of the facility is the responsibility of Director Duffys then ultimately Sheriff Graziano

The medical attention that plaintiff Staley received was at very best negligent. The doctor Jane Doe (Name Unknown) failed to make a proper finding to plaintiff's true medical issues. Instead based her finding off of an X-ray.

Plaintiff Staley has exhausted ALL Administrative remedies offered by the correctional facility with no Relief.

The facts of plaintiff Staley's case generally amounts to:

- A) On May 6, 2021 the plaintiff slipped and fell in a puddle of water located in his cell causing an injury to his shoulder (Right), back, hip (Right side), Leg (Right in the groin area)
- B) The Leak was due to a water pipe in the ceiling Leaking, which caused the puddle to form within the cell. This violates the 8th Amendment of Cruel and Unusual Punishment.
- C) Jane Doe's initial exam proved a need for medical attention but was unsure as to the extent of that need. Jane Doe observed that I was in pain, and after I informed her of where the

D) June Doe placed me in the observation room to await X-Rays.

In this room there were no chairs, no bed. Just a mattress on the floor and a toilet. With the injury I had just sustained, not only was this Cruel and Unusual Punishment; this was an unnecessary and wanton infliction of pain. *Estelle v.*

Gamble, 429 U.S. 97, 104, 97 S. Ct. 285 (1976) *Cuoco v. Monitsugu*, 222 F.3d 99, 106-07 (2d Cir. 2000) *Cottrell v. Chadwell*, 85 F.3d 1480, 1490 (11th Cir. 1996) *Hamm v. DeKalb County*, 774 F.2d 1567, 1574 (11th Cir. 1985)

E) The following morning when June Doe read the X-Rays, she said that there were no breaks in my bones and that the pain I was feeling was caused by arthritis in my back and pelvis. Thus brings into questioning June Doe's expertise in this field of medicine.

Chavez v. Cadys, 207 F.3d 901, 905 (7th Cir. 2000)

F) Upon discharge, June Doe insisted that I walk back to my dorm carrying all of my belongings even though it was evident that something was wrong with my leg. Once again the unnecessary and wanton infliction of pain.

G) June Doe prescribed Tylenol and Motrin for pain; at the follow up visit with June Doe #2, I was informed that I should be sent to rehabilitation but due to my incarceration that wouldn't be possible. Thus denial of access to treatment. *Hikumura v. Osagie*, 161 F.3d 1269 (10th Cir. 2006) *Williams v. Liefen*, 491 F.3d 710, 714-15 (7th Cir. 2007) Instead I was given a heating pack twice a day for 3 weeks. I was also ordered to lower feet + lower bunk.

H) Although I had a bottom bunk order from the doctor, I was still placed on the top bunk and of the 42 heating pads prescribed, I was given 17 at most. This was an outright failure to carry out medical orders by correctional officers and nursing staff. *M^cConkile v. Walken*, 871 F. Supp. 555, 558 (N.D. N.Y. 1995) *Annold on behalf of H.B. v. Lewis*, 803 F. Supp. 246, 257 (D. Ariz. 1992)

L) Over the next five months, there were numerous complaints sent to the medical staff by Plaintiff Staley about the same pains; the very same recommendations were followed. The medical treatment that I received was so grossly incompetent, inadequate that it has to be intolerable to fundamental fairness. *Parham v. Johnson*, 126 F.3d 454, 457-58 No 7 (3d Cir. 1997) *Collignon v. Milwaukee County* 163 F.3d 982, 989 (7th Cir. 1998)

J) Not only did the doctors in this fertility deny me access to medical personnel qualified to exercise judgement about a particular medical problem; *Hayes v. Snyder*, 546 F.3d 516, 526 (7th Cir. 2008) *LeMarbe v. Wisneski*, 266 F.3d 429, 440 (6th Cir. 2001) *Smith v. Jenkins*, 919 F.2d 90, 93 (8th Cir. 1990). In the denial they purposely failed to inquire into essential facts that are necessary to make a professional judgement. *Phillips v. Roane County, Tenn.*, 534 F.3d 531, 544 (6th Cir. 2008) *Spruill v. Gillis*, 372 F.3d 218, 237 (3d Cir. 2004) *Seuls v. Shah*, 145 F. Supp. 2d 1378, 1385 (N.D. Ga. 2001) *Tillery v. Owens*, 719 F. Supp. at 1306, 1308

K) From the medical treatment given, the pain has gotten ~~worse~~ worse. Everyday I must suffer from the pain in my leg and back.

Plaintiff will seek during Motion for Discovery in this Civil Action pursuant to Rule 33 and 34 of South Carolina Rules of Civil Procedure, that he retains the right to bring Amended Motions to this lawsuit as well, which is a given right under the SC Tort Claims Act, 15-78-10 et. seq.

Also pursuant to the SC Tort Claims Act Sheriff Kristin R. Graziano and WellPath are to be named as the Defendant party for the actions or inactions of its employees.

Wherefore, with exclusive rights to even Amend this very complaint, plaintiff seeks the following relief:

- 1) A Jury Trial Demand
- 2) Compensatory Damages in the amount of \$375,000,
Punative Damages in the amount of \$375,000 and/or a
Jury Trial Demand on the issues of Damages
- 3) Injunctive relief or whatever this Honorable Court

October 4, 2021

Respectfull Submitted

A handwritten signature in black ink, appearing to read 'Ontario Staley', with a long horizontal line extending to the right.

*Ontario Staley
3841 Leeds Ave.
No Charleston, SC 29405*

October 5, 2021

Ontario L. Staley
#1600880
3841 Leeds Ave.
St. Charles, SC
29405

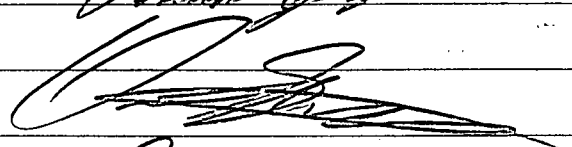
RE: Civil Suit

Dear Mrs. Armstrong,

Enclosed is a civil
suit that I wish to have filed.

Upon your sending the copy to serve upon
the defendant could you please send a second copy for my personal
records.

Also I sent you a Motion in a few weeks ago, but
I never received word if it was filed or not. Could you check on
that as well?

Thank You

Ontario Staley